

## SELF SERVICE CENTER

### PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION TO MODIFY SUPPORT

1. **Complete the rest of the paperwork in the packet:** Here is the court paperwork you need to complete:
  - ***"Family Court Post-Decree Coversheet"***
  - ***"Petition to Modify Support Order."***
  - ***"Affidavit of Financial Information."*** Make sure you make a copy of this form before you fill it out. The second blank copy is for the other party to complete after he or she gets the paperwork.
  - ***"Order to Appear."*** Complete the information on the top about you, and fill in the part about the name of Petitioner and Respondent. Leave the rest blank for the judge to fill out.
  - ***"Parent's Worksheet on Child Support."*** Fill out this document only if you are trying to change child support. Then, make sure you make a copy of this form before you fill it out. The second blank copy is for the other party to complete after he or she gets the paperwork.
2. **Make copies of the papers.** Make **(3)** three **copies** of all the paperwork you completed: one or you, one for the judge, one for the other part. The **original** is for the Clerk of the Court.

The filing fee for this process, as of January 1, 1998, is \$61.00. If you cannot afford the fee, ask the Clerk of the Court for the paperwork on deferring court filing fees. You can also get a deferral of the fees for the Sheriff to serve the papers, if you qualify.
3. **File the papers with the Clerk of the Court:** File the original , Family Court Post-Decree Coversheet, Petition to Modify, Affidavit of Financial Information, Order to Appear, and Parent's Worksheet if you are asking the judge to change child support, with the Clerk of the Court at the filing counter. The Clerk will give you back the **ORIGINAL "Order to Appear."** Ask the Clerk to stamp the extra copies for you to show that you have filed these papers with the Clerk. These are called "conformed" copies.
4. **Mail or hand-deliver the papers to the judge who is assigned to your case:** Go to the IN-BOX of the judge who is assigned to your case. If you are not sure which judge is assigned to your case, go to the Family Court Administration Office and staff will tell you which judge is assigned and where his or her IN-BOX is. Then, leave the following papers in the judge's IN-BOX:
  - **Copy** of Petition to Modify, Affidavit of Financial Information (and if you are requesting a change in child support, Parent's Worksheet for Child Support.)
  - **Original and 2 copies** of the Order to Appear.
  - A 9 x 12 self-addressed, envelope with enough postage so the staff can mail the judge's decision to you.
5. **What the judge will do:** The judge will decide one of the following, based on the paperwork you submitted.
  - Schedule a hearing for you and the other party to come to talk to the judge about the case.
  - Dismiss the case because the judge thought your paperwork did not show a legal reason to proceed.
  - Enter other orders the judge thinks proper.

6. **Wait to hear back from the judge about your court hearing:** Wait a week or so for the judge to make a decision. If you left a self-addressed 9 x 12 inch envelope with sufficient postage, the judge's staff will send the judge's decision and papers back to you. Otherwise, you must come back to court about a week after you drop off the forms and get them from the judge's OUT-BOX. Read the

material you receive from the court very carefully, so you know what the judge decided to do next and what you should do next.

7. **Serve the papers on the other party:** If the judge decided to set a hearing, you **must** arrange for service of the following papers on the other party:

- Petition to Modify Support.
- Affidavit of Financial Information--a copy of the one you completed, and a blank copy for the other party to complete.
- If you are asking for child support to be changed: a copy of the Parent Worksheet for Child Support you completed, and a blank copy for the other party to complete.
- Order to Appear signed by the judge.
- Copy of Family Court Department Notice.

Sometimes the other party will ACCEPT service in which case he or she must sign and you must file the document called **"Acceptance of Service."** If the other party does **not** accept service, then you must contact a process server or the Sheriff to serve the papers on the other party. Give the process server or Sheriff a **copy and the original "Order to Appear."**

After serving the other party, the process server or Sheriff will file an **"Affidavit of Service"** and will file the original **"Order to Appear"** with the Clerk of the Court. If the other party accepted service, then you must file the original **"Order to Appear"** and the original **"Acceptance of Service."**

8. **Go to the court hearing:** If the judge scheduled a hearing, be sure to write down the date, time and place of the court hearing, and come to the hearing. **Be on time.** Dress neatly. Be prepared to tell the judge why the order for support should be changed. **Do not bring children to court.**

**You should bring the following things to the court hearing:**

- A **copy** of the **Petition to Modify**, and **Financial Affidavit** completed by you;
- **Original and copy** of the **Order of Assignment**; and,
- **Original and copy** of **Employer Information Sheet**.

**If you are asking for a change in child support, also bring this:**

- **"Parent's Worksheet for Child Support"** completed by you; and,
- Original and a copy of the **"Child Support Order."**